



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 26, 2000

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: Robert Raben *Raben*
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SUBJECT: Weekly Report for June 26, 2000 - June 30, 2000

KEY ISSUES

Campaign Finance: On June 27, you are scheduled to testify before the Senate Committee on the Judiciary (Hatch, Chair) on the "Continuation of the Oversight Hearing on the 1996 Campaign Finance Investigations. Chairman Hatch and Senator Specter will preside. (Walter)

THE WEEK AHEAD

Radiation Exposure: On June 26, the House pulled from the suspension list, S. 1515, the "Radiation Exposure Compensation Act Amendments of 1999." The Department and the White House have both expressed ~~opposition to this bill, which would expand~~ the RECA program and cost about \$1 billion. The Senate passed this bill last November. (Pearlman)

Class Action Reform: The scheduled mark up of S. 353, the Class Action Reform bill, before the Senate Judiciary Committee (Hatch, Chair), was postponed last week due to lack of a quorum. It has been rescheduled for Tuesday, June 27. (Wilson)

Nominations: On June 27, on the Senate Judiciary Committee business meeting agenda are four district court nominees: John Darrah and Joan Lefkow, both to be United States District Judges for the Northern District of Illinois; Paul Huck, to be a United States District Judge for the Southern District of Florida; and George Singal, to be a United States District Judge for the District of Maine. It is the intent of the Senate Minority Leader for these nominees to be confirmed before the July 4 recess once they are approved by the Committee.

The Department's nominees, such as U.S. Marshals, U.S. Attorney, DEA Deputy Administrator, are now included in the ever widening circle of hold relating to the IRS Commission.

Glenn Fine, the Department's nominee to be Inspector General, had courtesy visits with Senators Thurmond and Sessions last week. (Scott-Finan)

Prisoner Co-Pay: H.R. 1349, a bill to amend title 18, U.S. Code, to combat the over utilization of prison health care services and control rising prisoner health care costs, was on the agenda for the House Judiciary mark up last week and is on again for the June 27 mark up. We anticipate that the bill may be amended as to use of the co-pay but will be approved on the 27.
(Scott-Finan)

Parole Commission: On June 27, OLA has scheduled a briefing for the majority and minority staff of the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia of the Committee on Government Affairs by the Chair and Vice Chair of the Parole Commission about the need to extend the life of the Commission. (Scott-Finan)

Federal Prison Industries: H.R. 2558, Congressman McCollum's bill to reform Federal Prison Industries, has been added to the House Judiciary mark up scheduled for June 27. We do not anticipate that the bill will be acted on by the Committee until after the July 4 recess. The Labor Department is circulating a letter opposing the wage provisions in the bill. (Scott-Finan)

Violence Against Women Act: On June 27, the House Committee on the Judiciary (Hyde, Chair) will mark up H.R. 1248, the Violence Against Women Act.

Also on June 27, the Senate Committee on the Judiciary (Hatch, Chair) will mark up S. ___/Violence Against Women Act. (First)

Prescription Drugs: On June 28, the House plans to consider H.R. 4680, the "Medicare Rx 2000 Act." The bill will provide a prescription drug benefit to Medicare beneficiaries. The Department has been working with Democratic staff of the Ways and Means Committee to make sure there are anti-fraud safeguards included in the bill. (Pearlman)

Meeting on Legislative Fix to Kimel v. Florida Board of Regents: On June 28, Representatives from the Office of Legislative Affairs, the Office of Legal Counsel, the Civil Rights Division, the White House Counsel's Office, and the White House's Office of Legislative Affairs are scheduled to meet with staff from the Senate Judiciary Subcommittee on Administrative Oversight and the Courts and staff from the Senate Special Committee on Aging, both of which are chaired by Senator Grassley. Senator Grassley requested technical assistance from the Department on a legislative fix to Kimel, the United States Supreme Court case which held that private individuals cannot sue a state under the Age Discrimination in Employment Act due to the state's immunity from suit under the Eleventh Amendment. (Ho)

H.R. 4419, the Internet Gambling Funding Prohibition Act: On June 28, the House Banking Committee (Leach, Chair) will mark up this bill. (Daley)

U.S. Marshals Service Oversight Hearing: On June 29, the House Judiciary Subcommittee on Crime (McCollum, Chair) will hear testimony from the U.S. Marshals Service Director John W. Marshall. (Daley)

Internet and Federal Courts Hearing: On June 29, the Subcommittee on Courts and Intellectual Property (Coble, Chair) of the House Judiciary Committee, will hold an oversight hearing on the Internet and Federal Courts: Issues and Obstacles. Deputy Associate Attorney General D. Jean Veta will testify before the Subcommittee. (Owen)

Visas for Religious Workers: On June 29, the Immigration and Claims Subcommittee (Smith, Chair) of the House Judiciary Committee, will hold an oversight hearing on "Evaluating the Religious Worker Visa Program." INS is expected to testify at this hearing. (First)

Civil Rights Division Oversight Hearing: The Constitution Subcommittee (Canady, Chair) of the House Judiciary Committee, has scheduled an oversight hearing of the Civil Rights Division for July 12. Acting Assistant Attorney General Bill Lann Lee will testify before the Subcommittee. (Ho, Scott-Finan)

Indian Contractor Coverage Under the FTCA: On July 12, the Senate Indian Affairs Committee has scheduled an oversight hearing on what the Committee has described as the "GAO and BIA Reports on Risk Management and Tort Liability." The Committee's hearing will focus on such issues as Indian contractor insurance coverage, agency payment of Indian contractor claims, and problems in coverage of Indian contractors under the FTCA. Ethan Posner, Deputy Associate Attorney General, will testify. (Ho)

Native Hawaiian Self-Determination: Senator Akaka, on-behalf of the Hawaiian delegation, has requested that the Department provide technical assistance on a draft bill that would provide a framework for Native Hawaiian self-determination and the creation of government-to-government relations between the Federal Government and the Native Hawaiian community. Pursuant to that request, the Department is currently reviewing the bill. (Ho)

THE WEEK IN REVIEW

Money Laundering Hearing: On June 23, the Subcommittee on Criminal Justice, Drug Policy, and Human Resources (Mica, Chair) of the House Government Reform Committee, held a hearing focusing on illegal drug trafficking. Criminal Division's Deputy Assistant Attorney General Mary Lee Warren, and Edward M. Guillen, Chief of DEA's Financial Operations Section, testified before the Subcommittee. (Graupensperger)

Bankruptcy: Although according to Democrats, there are still open issues to be decided on the Bankruptcy Reform legislation, the Republican leadership has declared it is finished. Foremost among the unsettled issues is acceptable abortion clinic language. Given these new developments, Senator Durbin has withdrawn his support even though he had voted for it when it passed the Senate in February. Senator Leahy has also indicated his opposition to the legislation and will recommend to the President that he veto it. Media reports indicate that Democrats are doing a whip count among their members. Back in February, this bill passed by a veto-proof margin. However, given more time to reflect on the possible impacts of the bill and the unorthodox methods by which the bill has been conferenced, the momentum, at least on the Democratic side, has started to lean against the bill. (Wilson)

Military Extraterritorial Jurisdiction Act: The scheduled mark up of H.R. 3380 by the House Judiciary Committee (Hyde, Chair) for June 22, was canceled. This bill provides for federal jurisdiction over crimes committed outside the United States by individuals accompanying the U.S. Military. (Graupensperger)

Hate Crimes: On June 20, the Senate passed both the Hatch and Kennedy hate crime amendments to the DOD Authorization Bill. The vote on the Hatch Amendment was 50-49; the

vote on the Kennedy Amendment was 57-42. The Department is working with the White House on a legislative strategy for House action. (Scott-Finan)

S. 2516, the Fugitive Apprehension Act: On June 22, the Senate Judiciary Committee's Criminal Justice Oversight Subcommittee (Thurmond, Chair) held a hearing on the chronic threat of fugitives to safety, law and order. John W. Marshall, Director of the U.S. Marshals Service and Israel Brooks, U.S. Marshal for the District of South Carolina, testified before the Subcommittee. (Daley)

Federal Agency Compliance: On June 20, the Commercial and Administrative Law Subcommittee (Gekas, Chair) of the House Judiciary Committee marked up H.R. 1924, the Federal Agency Compliance Act. An amendment in the nature of a substitute was offered and passed by a vote of 5-2. Representative Nadler was among those voting for the bill. The substitute included some, but not all of the changes we were seeking. Although we are still opposed to the bill, we have been able to make it less objectionable. Both Representatives Gekas and Nadler said that the bill was a work in progress and we hope to continue working with them to make further improvements before it goes to full Committee. While there is a comparable bill on the Senate side, there has been no action to date. (Wilson)